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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,363	12/06/1999	KAZUAKI TSUCHIYA	ASA-838	5016

24956 7590 07/14/2005

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/455,363	TSUCHIYA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael Pyzocha	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 June 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-7,9-19 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-7,9-19 and 23-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 2-7, 9-19, and 23-25 are pending.
2. Amendment filed 06/14/2005 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 9-19, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al (US 6311218) and further in view of Guthrie et al (US 6161185).

As per claims 4-5, 11-12, 16-19, 23-24 Jain et al discloses a network relaying apparatus comprising: a plurality of I/O ports adapted to be connected to respective network terminals (see figures 1 and 4); means for storing correspondence information indicating correspondence between each of said I/O ports and a network address of each of said network terminals connected to each of said I/O ports (this is an inherent

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property of a bridge/switch); means for storing user authentication information for each of said network addresses; packet communicating means packets through said I/O ports; for transmitting and receiving means for determining a destination of the each packet received via said plurality of I/O ports on a basis of the correspondence information held by said means for storing the correspondence information and for instructing said packet communicating means to transmit said received packets to the determined destination; and packet relaying user authenticating means for determining correspondence of user authentication information and network addresses on a basis of the user authentication information stored in said means for storing the authentication information, wherein said packet relaying means operates to learn whether there is correspondence between an I/O port which has received a packet and said source network address identified in the packet on a basis of the source network address contained in said received packet, request the user authentication information for the source network terminal having the source network address if the change of the content of said means for storing the correspondence information relating to the connecting state of the source network terminal is required by said learned result, instruct said user authenticating means to execute the user

authentication for user authentication information received in response to the request, and change the content of said means for storing the correspondence information and cause said received packet to be relayed to the determined destination if the user is authenticated to be correct (see column 5 Authenticating a Port and column 6 Controlling Access to the Network).

Jain et al fails to disclose sending an email to certain entities when authentication fails.

However, Guthrie et al teaches such a method (see column 10 line 39 through column 11 line 17).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Guthrie et al's method of sending an email upon failed authentication in Jain et al's system of user authentication. Motivation to do so would have been to notify support people (see Guthrie et al column 10 line 39 through column 11 line 17).

As per claims 2 and 14, the modified Jain et al and Guthrie et al system discloses the network relaying apparatus is a LAN switch including a virtual LAN (see column 6 lines 44-56).

As per claims 3, and 9-10, the modified Jain et al and Guthrie et al system discloses if the user authentication indicates the user is not correct for said network address, said

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packet communicating means operates to suppress the change of the content of said means for storing the correspondence information relating to the connecting state of said network terminal and discard the received packet having caused the change (see column 6 lines 19-22) and suppress the transfer of the packet at the I/O port.

As per claim 15, the modified Jain et al and Guthrie et al system discloses the claimed limitation as described above.

As per claims 6 and 13, Official Notice is taken that it is well known in the art to use an IP address as a network address. Motivation to use and IP address would have been know the address of a system on a TCP/IP network.

As per claim 25, Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to include the user name in the message. Motivation to do so would have been that the recipient would know that authentication failed for the particular user name.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al as applied to claim 1 above, and further in view of Malkin et al.

As per claim 7 Jain et al fails to disclose communicating using a mobile IP.

However, Malkin et al teaches the use of mobile IP (see page 2 Introduction).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Malkin et al's mobile IP communication technique in the authentication system of Jain et al. Motivation to do so would have been to support true mobility (see Malkin et al page 2 Introduction).

***Response to Arguments***

6. Applicant's arguments filed 06/14/2005 have been fully considered but they are not persuasive. Applicant argues that the combination of Jain and Guthrie fails to disclose sending an email if authentication fails because Guthrie's email is for different failures. Regarding this argument, the Guthrie reference is only relied upon for the teaching of sending an email when a failure occurs. When applied to the authentication system of Jain, a failure would be when authentication fails, as in the claimed invention.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ng (US 6640301) teaches sending an email upon failed authentication, but the application date of 07/08/1999 does not qualify it as prior art based on the foreign priority claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be

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reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

*Matthew D. Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*